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LAWYERS

BY EMAIL

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January 6, 2005

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ADMINISTRATOR

Members for Democracy
Open Web Forum

Dear Sir/Madam:

**Re: Defamatory Website Postings Authored by Nicholas Hughes:
"Molson's Suckerpunch: The Dick Findlay Story", April 14, 2004;
"A Plea for Justice: Dick Findlay's Open Letter", December 26, 2004.**

We are counsel for the Brewery, Winery & Distillery Workers Union, Local 300.

It has come to the attention of the Union that Nicholas Hughes, operating under the name of "Labatt Buster" on your website, has made false and defamatory statements concerning the Union and certain of its officers. Specifically, the above-noted postings contain the following false and defamatory statements:

- "Labatt Buster" referred to the Union officers' relationship with Molson Breweries as being "the result of collusion by corrupt union officials ..." in an April 14, 2004 posting in the Molson's Suckerpunch thread (MfD Forum). This is false and defamatory comment that has now been circulated to a potentially immense audience;
- "Labatt Buster" describes his situation with former employer Labatt Brewery as resulting in discrimination by his employer to which the Union 'apparently acquiesced' (see April 14, 2004 posting in the Molson's Suckerpunch thread). This is false and defamatory;
- "Labatt Buster" also posted in that same thread: "Thus I can attest to what I've found to be an unprincipled and ineffectual union that for too long has been corrupted by its former Business Agent". This is false and defamatory;
- "Labatt Buster" posted an edited version of a Mr. Findlay's "open letter" (December 26, 2004, "A Plea for Justice ..." in the MfD Forum) in which it is claimed that "an investigation by an Officer of PIPA is currently underway" in respect of the Union's alleged failure to provide Mr. Findlay with documentation pertinent to his (non) membership in the Union. The

Union has verified with the Privacy Commission that no investigation of the Union whatsoever has been contemplated and that the enquiry made by Mr. Findlay found that "Local 300 has provided [him] with access to all of the records to which [he] is entitled". Thus, you have completely misled the public with that posting;

- in that same thread there is reference to an alleged "atmosphere of violence and intimidation at Molson's" the implication of which is that the Union and its officials have created and/or contributed to such an atmosphere. This is false and defamatory;
- in his posting of the open letter of December 26, 2004 (MfD Forum) "Labatt Buster" also conveyed another false and defamatory comment concerning the Union and its officials when it is stated that there was "collusion between management and a corrupt union official" at Molson Breweries that resulted in Mr. Findlay's termination of employment. This is false and defamatory;

While we appreciate the purpose of your website is intended to serve a useful democratic service for trade unionists by providing a forum for union members to discuss a variety of issues, you will no doubt agree that there should be no room on your forum for publication of false and defamatory material. Indeed, your Forum Rules, Policies and Disclaimers correctly advise users not to use the web-based bulletin board to post any "material that is knowingly false and/or defamatory ...". Mr. Hughes, under the pseudonym of "Labatt Buster", has done just that as illustrated by the examples cited above.

All of these statements are *prima facie* defamatory in their normal and ordinary meaning. We therefore demand that you take all steps necessary to remove these references from your website immediately. We do not hold the website liable for the publication of the offensive material to date. However, we are required to provide notice to you, pursuant to section 10 of the *Libel and Slander Act*, R.S.B.C. 1996, c. 263, that you are expected to mitigate any potential damages associated with the continued broadcast or publication of these comments. Specifically, we are instructed to request that you remove from the forum all of the references noted above. This would best be served by deletion of these offensive threads altogether. Failure to do so could result in the Union seeking damages against the web-page from the date of this notice.

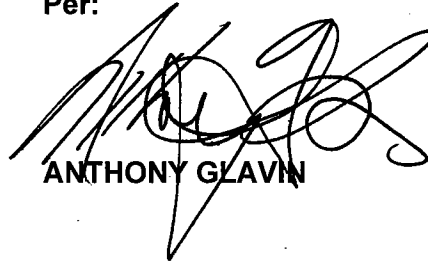
We note that the Forum Rules, Policies and Disclaimers reserve the right in the website proprietor to "delete any message for any reason or no reason whatsoever". We strongly urge you to exercise this discretion now so that the Union is not put in the position of possibly having to add you as a party defendant to any litigation.

The Union will not take any legal action against the website if it removes the offensive threads within a reasonable period of time (i.e. we appreciate that you are required to remove the material "manually").

Thank you for your cooperation in this regard. Please contact the undersigned if you should have any questions regarding the above.

FIORILLO GLAVIN GORDON

Per:



ANTHONY GLAVIN

AG/pg

Encl.

cc: BWU Local 300
(Attn: Gerry Bergunder/Roy Graham/Rick Sutherland (via fax))
Chuck Puchmayr (via mail)
Nicholas Hughes (via mail).

(02)125Admin.MfD1.doc